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PTO/SB/01 (12-97)

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|  |                               |               |
|--|-------------------------------|---------------|
| <b>DECLARATION FOR UTILITY OR<br/>DESIGN<br/>PATENT APPLICATION</b><br>(37 CFR 1.63) | <b>Attorney Docket Number</b> | 0068.00       |
|  | <b>First Named Inventor</b>   | SNYDER, Herm  |
|  | <i>COMPLETE IF KNOWN</i>      |               |
|  | <b>Application Number</b>     |               |
|  | <b>Filing Date</b>            | July 31, 2001 |
|  | <b>Group Art Unit</b>         |               |
|  | <b>Examiner Name</b>          | Unassigned    |

☒ Declaration Submitted with Initial Filing      **OR**      ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**APPARATUS AND PROCESS TO PRODUCE PARTICLES HAVING A  
NARROW SIZE DISTRIBUTION AND PARTICLES MADE THEREBY**

the specification of which (Title of the Invention)

☒ is attached hereto  
**OR**  
☐ was filed on (MM/DD/YYYY)  as United States Application Number or PCT International

Application Number  and was amended on (MM/DD/YYYY)  (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 356(b) of any foreign application(s) for patent or inventor's certificate, or 356(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed   | Certified Copy Attached?   |  |
|-------------------------------------|---------|----------------------------------|--|--|--|
|                                     |         |                                  |  | YES  | NO   |
|                                     |         |                                  | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) |
|-----------------------|--------------------------|
| 60/222,067            | 08/01/2000               |

☐ Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

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## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application

| U.S. Parent Application or PCT Parent Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|---------------------------------|--------------------------------------|
|  |                                 |                                      |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02C attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☒ Customer Number 21968

OR

☐ Registered practitioner(s) name/registration number listed below

Place Customer  
Number Bar Code  
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| Name | Registration Number | Name | Registration Number |
|------|---------------------|------|---------------------|
|      |                     |      |                     |

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☒ Customer Number 21968 OR ☐ Correspondence address below

|         |  |           |  |     |  |
|---------|--|-----------|--|-----|--|
| Name    |  |           |  |     |  |
| Address |  |           |  |     |  |
| Address |  |           |  |     |  |
| City    |  | State     |  | ZIP |  |
| Country |  | Telephone |  | Fax |  |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

|  |                          |                        |        |
|--|--------------------------|------------------------|--------|
| Given Name (first and middle [if any]) |                          | Family Name or Surname |        |
| Herm                                   |                          | SNYDER                 |        |
| Inventor's Signature                   | <i>Herm &amp; Snyder</i> |                        | Date   |
| Residence: City                        | Belmont                  | State                  | CA     |
|  |                          | Country                | U.S.A. |
| Post Office Address                    | 627 Big Bend             |                        |        |
| Post Office Address                    |                          |                        |        |
| City                                   | Belmont                  | State                  | CA     |
|  |                          | ZIP                    | 94002  |
|  |                          | Country                | U.S.A. |

☒ Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

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PTO/SB/02A (3-97)


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## DECLARATION

### ADDITIONAL INVENTOR(S) Supplemental Sheet

Page 1 of 1

|  |  |   |       |   |         |             |             |                          |
|--|--|---|-------|---|---------|-------------|-------------|--------------------------|
| Name of Additional Joint Inventor, if any: |  |   |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |         |             |             |                          |
| Given Name (first and middle [if any])     |  |   |       | Family Name or Surname  |         |             |             |                          |
| Adrian E.                                  |  |   |       | SMITH   |         |             |             |                          |
| Inventor's Signature                       |  |   |       | Date  |         |             |             |                          |
| Residence: City                            |  | Belmont   | State | CA  | Country | U.S.A.      | Citizenship | U.S.A.                   |
| Post Office Address                        |  | 2803 Alhambra Drive   |       |   |         |             |             |                          |
| Post Office Address                        |  |   |       |   |         |             |             |                          |
| City                                       |  | Belmont   | State | CA  | ZIP     | 94002       | Country     | U.S.A.                   |
| Name of Additional Joint Inventor, if any: |  |   |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |         |             |             |                          |
| Given Name (first and middle [if any])     |  |   |       | Family Name or Surname  |         |             |             |                          |
| Jim  |  |   |       | NASIATKA  |         |             |             |                          |
| Inventor's Signature                       |  |  |       | Date  |         | 31 JULY '91 |             |                          |
| Residence: City                            |  | San Francisco   | State | CA  | Country | U.S.A.      | Citizenship | U.S.A.                   |
| Post Office Address                        |  | 553 DuBoce Avenue #8  |       |   |         |             |             |                          |
| Post Office Address                        |  |   |       |   |         |             |             |                          |
| City                                       |  | San Francisco   | State | CA  | ZIP     | 94117       | Country     | United States of America |
| Name of Additional Joint Inventor, if any: |  |   |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |         |             |             |                          |
| Given Name (first and middle [if any])     |  |   |       | Family Name or Surname  |         |             |             |                          |
|  |  |   |       |   |         |             |             |                          |
| Inventor's Signature                       |  |   |       | Date  |         |             |             |                          |
| Residence: City                            |  |   | State |   | Country |             | Citizenship |                          |
| Post Office Address                        |  |   |       |   |         |             |             |                          |
| Post Office Address                        |  |   |       |   |         |             |             |                          |
| City                                       |  |   | State |   | ZIP     |             | Country     |                          |

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|   | <b>First Named Inventor</b>   | SNYDER, Herm  |
|   | <b>COMPLETE IF KNOWN</b>      |               |
|   | <b>Application Number</b>     |               |
|   | <b>Filing Date</b>            | July 31, 2001 |
|   | <b>Group Art Unit</b>         |               |
|   | <b>Examiner Name</b>          | Unassigned    |

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NARROW SIZE DISTRIBUTION AND PARTICLES MADE THEREBY**

the specification of which

☒ is attached hereto  
OR

☐ was filed on (MM/DD/YYYY)  as United States Application Number or PCT International

Application Number  and was amended on (MM/DD/YYYY)  (if applicable).

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| Prior Foreign Application<br>Number(s) | Country | Foreign Filing Date<br>(MM/DD/YYYY) | Priority<br>Not Claimed  | Certified Copy Attached? |                          |
|--|---------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|  |         |                                     |                          | YES                      | NO                       |
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|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

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| 60/222,067            | 08/01/2000               |  |

[Page 1 of 2]

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| U.S. Parent Application or PCT Parent Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|---------------------------------|--------------------------------------|
|  |                                 |                                      |

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As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☒ Customer Number 21968 OR ☐ Registered practitioner(s) name/registration number listed below

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| Name | Registration Number | Name | Registration Number |
|------|---------------------|------|---------------------|
|      |                     |      |                     |

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☒ Customer Number 21968 OR ☐ Correspondence address below

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|---------|--|-----------|--|-----|--|
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| Address |  |           |  |     |  |
| Address |  |           |  |     |  |
| City    |  | State     |  | ZIP |  |
| Country |  | Telephone |  | Fax |  |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: ☐ A petition has been filed for this unsigned inventor

|  |              |                        |        |
|--|--------------|------------------------|--------|
| Given Name (first and middle [if any]) |              | Family Name or Surname |        |
| Herm                                   |              | SNYDER                 |        |
| Inventor's Signature                   |              |                        | Date   |
| Residence: City                        | Belmont      | State                  | CA     |
|  |              | Country                | U.S.A. |
|  |              | Citizenship            | U.S.A. |
| Post Office Address                    | 627 Big Bend |                        |        |
| Post Office Address                    |              |                        |        |
| City                                   | Belmont      | State                  | CA     |
|  |              | ZIP                    | 94002  |
|  |              | Country                | U.S.A. |

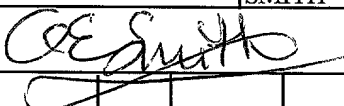
☒ Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

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## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet  
Page 1 of 1

|   |  |   |       |   |         |        |             |                          |
|---|--|---|-------|---|---------|--------|-------------|--------------------------|
| <b>Name of Additional Joint Inventor, if any:</b> |  |   |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |         |        |             |                          |
| Given Name (first and middle [if any])            |  |   |       | Family Name or Surname  |         |        |             |                          |
| Adrian E.   |  |   |       | SMITH   |         |        |             |                          |
| Inventor's Signature                              |  |  |       |   | Date    |        | 7/31/01     |                          |
| Residence: City                                   |  | Belmont   | State | CA  | Country | U.S.A. | Citizenship | U.S.A.                   |
| Post Office Address                               |  | 2803 Alhambra Drive   |       |   |         |        |             |                          |
| Post Office Address                               |  |   |       |   |         |        |             |                          |
| City  |  | Belmont   | State | CA  | ZIP     | 94002  | Country     | U.S.A.                   |
| <b>Name of Additional Joint Inventor, if any:</b> |  |   |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |         |        |             |                          |
| Given Name (first and middle [if any])            |  |   |       | Family Name or Surname  |         |        |             |                          |
| Jim   |  |   |       | NASIATKA  |         |        |             |                          |
| Inventor's Signature                              |  |   |       |   | Date    |        |             |                          |
| Residence: City                                   |  | San Francisco   | State | CA  | Country | U.S.A. | Citizenship | U.S.A.                   |
| Post Office Address                               |  | 553 DuBoce Avenue #8  |       |   |         |        |             |                          |
| Post Office Address                               |  |   |       |   |         |        |             |                          |
| City  |  | San Francisco   | State | CA  | ZIP     | 94117  | Country     | United States of America |
| <b>Name of Additional Joint Inventor, if any:</b> |  |   |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |         |        |             |                          |
| Given Name (first and middle [if any])            |  |   |       | Family Name or Surname  |         |        |             |                          |
|   |  |   |       |   |         |        |             |                          |
| Inventor's Signature                              |  |   |       |   | Date    |        |             |                          |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: SNYDER, Herm; SMITH, Adrian E.; and NASIATKA, Jim  
Application No.: Unassigned Group No.: Unassigned  
Filed: 07/31/01 Examiner: Unassigned  
For: APPARATUS AND PROCESS TO PRODUCE PARTICLES HAVING A NARROW SIZE  
DISTRIBUTION AND PARTICLES MADE THEREBY

Assistant Commissioner for Patents  
Washington, D.C. 20231

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)

As assignee of record of the entire interest of the above identified application,

REVOCATION OF PRIOR POWERS OF ATTORNEY

all powers of attorney previously given are hereby revoked and

NEW POWER OF ATTORNEY

the following practitioners are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

Michael J. Rafa, Registration No. 38,740  
Susan T. Evans, Registration No. 38,443  
Felissa H. Cagan, Registration No. 35,089  
Stephen L. Hurst, Registration No. 31,266

SEND CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:

Customer No.: 21968

650-631-3100

Recorded herewith

Date: 31 July 2001

Assignee:

Inhale Therapeutic Systems, Inc.  
150 Industrial Road  
San Carlos, CA 94070 U.S.A.

Signature

Inhale Therapeutic Systems, Inc.

Assignee

John S. Patton, Chief Scientific Officer